

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Steven T. Battko

Docket No. 5:10-CR-159-1BO

Petition for Action on Probation

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Steven T. Battko, who, upon an earlier plea of guilty to Theft of Government Property and Aiding and Abetting, in violation of 18 U.S.C. §§ 641 and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on February 24, 2011, to a 60-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall abide by all conditions and terms of the home confinement program for a period of six months, without electronic monitoring, and shall adhere to a curfew from 6:00 a.m. to 6:00 p.m., or as directed by the officer for a period during his home confinement period. The defendant is restricted to his residence every day during the curfew hours.
2. The defendant shall cooperate with government agency if called on to do so.

The defendant was also ordered to pay restitution in the amount of \$29,756.75, at a rate of \$50 per month. On October 24, 2011, the court ordered the payments reduced to \$25 per month.

A Violation Report was previously submitted to the Court in September 2012, after the defendant was cited for Driving While License Revoked. His supervision was continued.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant was charged in Lee County, North Carolina, on September 12, 2013, with Driving While License Revoked. On November 12, 2013, he pled guilty to the lesser offense of Fail to Notify DMV of Address Change. On October 12, 2013, the defendant was charged with Driving While License Revoked in Lee County, North Carolina, and this charge remains pending. He has retained counsel and according to the defendant, his attorney will be assisting him in securing a valid North Carolina Drivers License. The defendant has been verbally admonished for operating a motor vehicle while his license is suspended. As a punitive sanction for these charges, it is respectfully recommended that the defendant perform 16 hours of community service work.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall perform 16 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Debbie W. Starling
Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: February 3, 2014

ORDER OF COURT

Considered and ordered this 4 day of February, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge